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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jonathan Donner,

Petitioner,

V.

State of Nevada, *et al.*,

Respondents.

Case No. 2:20-cv-01913-RFB-VCF

Unopposed motion for extension of time to file amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254

(First Request)

POINTS AND AUTHORITIES

On September 4, 2020, the Federal District Court for the District of Nevada received Petitioner Jonathan Donner’s petition for habeas relief under 28 U.S.C. § 2254. ECF Nos. 1, 1-1, 1-2. The petition was filed on October 23, 2020,¹ and Donner filed a Motion for Appointment of Counsel on November 2, 2020. ECF Nos. 3, 4. On July 28, 2021, the Court ordered Donner to correct administrative deficiencies with the petition. ECF No. 6. On August 14, 2021, Donner filed an amended petition complying with the requests stated in the Court’s previous order. See ECF No. 8. On September 3, 2021, the Court granted Donner’s Motion for Appointment of Counsel and appointed the Federal Public Defender to represent Donner. ECF No. 9. The undersigned attorney filed her Notice of Appearance on September 23, 2021. ECF No. 11. The counseled amended petition is currently due December 2, 2021. See ECF No. 13.

Petitioner Donner respectfully asks this Court to enter an order extending the deadline for filing a counseled amended petition by 60 days from December 2, 2021, until January 31, 2022.

This is Donner's first request for an extension of this deadline.

The undersigned attorney contacted opposing counsel, Senior Deputy Attorney General Jessica Perlick, on December 1, 2021, who did not object to this request for an extension of time. Her lack of objection should not be considered a waiver of any procedural defenses or challenges to the statute of limitations, or construed as agreeing with the accuracy of the representations in this motion.

¹ It appears Donner initially sent his petition to the Ninth Circuit around September 1, 2021 (*see* ECF No. 1-1 at 1), and the Ninth Circuit ultimately transmitted the petition to this Court, *see* ECF No. 1-2. It is unclear whether this Court filed the petition *sua sponte* or at the request of Donner. The petition (ECF No. 1-1) was initially attached to the transmittal letter from the Ninth Circuit Court of Appeals.

1 Counsel has begun reviewing the records in this case. Due to two AEDPA
2 petitions² and the recent holidays, counsel seeks a 60-day extension in order to meet
3 in person with Donner (at Lovelock Correctional Center on January 22, 2022), and to
4 provide counsel sufficient time to complete her review of all materials relevant to the
5 counseled amended petition. Counsel also has upcoming deadlines in the following
6 cases: a reply brief due December 6, 2021, in *Kinford v. Wickham*, No. 3:12-cv-00489-
7 MMD-CLB (D. Nev.); an application for a certificate of appealability due December 8,
8 2021, in *Grant v. Byrne*, No. 21-16447 (9th Cir.); an application for a certificate of
9 appealability due December 29, 2021, in *Nichols v. Baca*, No. 21-16968 (9th Cir.); an
10 amended petition due January 3, 2022, in *Herndon v. Neven*, No. 3:20-cv-00489-
11 MMD-CLB (D. Nev.); and an application for a certificate of appealability due January
12 4, 2022, in *Gallegos v. Baca*, No. 21-16612 (9th Cir.).

13 Accordingly, counsel respectfully requests this Court grant the request for an
14 extension of time to file the counseled amended petition for writ of habeas corpus in
15 order for the effective and thorough representation of Petitioner Donner in his federal
16 habeas action.

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25 ² These petitions include *Taylor v. Director Nevada Department of Corrections et al.*, case no. 2:20-cv-01962-GMN-DJA (D. Nev.), which counsel filed on October 13, 2021 (with leave to file a second amended petition and the proposed second amended petition filed on November 4, 2021), and *Altheide v. State of Nevada et al.*, case no. 2:19-cv-02245-JAD-BNW (D. Nev.), with a filing deadline of December 13, 2021

1 Dated December 2, 2021.

2 Respectfully submitted,

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4 Rene L. Valladares
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6 Federal Public Defender

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9
10 /s/ Alicia R. Intriago

11 Alicia R. Intriago
12 Assistant Federal Public Defender

13 It is so ordered:

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15 **RICHARD E. BOULWARE, II**
16 **United States District Court**

17 DATED this 7th day of December, 2021.
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